IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 7889 of 2006

DATED: 02-11-2006

Between:

1.. Smt C Sadak Bee & another petitioners

and

APSRTC,
Musheerabad, Hyderabad
Rep by its Vice Chairman & Managing Director
And another
Respondents

THE HON'BLE SRI JUSTICE N.V.RAMANA

WRIT PETITION NO. 7889 OF 2004

ORAL ORDER:

The present writ petition is filed questioning the action of the respondents in not providing employment to the second petitioner on compassionate grounds.

The husband of the first petitioner and father of second petitioner, while working as conductor in the respondent corporation expired on 3.6.2001. Thereafter, petitioners made a representation dated 14.8.2001 seeking employment to second petitioner on compassionate grounds and the same was rejected vide proceedings dated 9.5.2002 on the ground that second petitioner has not completed 21 years as on 1.7.2002. On completion of 21 years of age, once again a representation dated 30.7.2003 was made to provide employment to second petitioner, followed by another representation dated 25.12.2003. Once again the claim of the second petitioner for employment on compassionate grounds was rejected by proceedings dated 10.2.2004 stating that there are no vacancies available in the category of conductor and advising to claim additional monetary benefits in lieu of employment. The petitioners contend that in the joint meeting of the Vice Chairman and Managing Director with the representatives of APSRTC Employees union held on 23/26.9.2002 it was agreed to provide employment to 134 candidates who are selected and waiting for appointment under the bread winner scheme, and the same was communicated to the General Secretary of APSRTC Employees Union vide letter dated 25.4.2003. Thus, the petitioners contend that though vacancies are available, the claim of second petitioner was rejected illegally. Hence, the present writ petition.

A counter affidavit is filed on behalf of the respondents, *inter-alia* stating that presently there are excess conductors, drivers and

shramiks in Kadapa region and in view of the severe financial crisis, there is no possibility of providing employment to the legal heirs of the deceased employees in the near future. It is further stated that the circular dated 5.5.2000 relied upon by the petitioner was superceded, and the petitioner was advised to seek additional monetary benefits in lieu of employment.

Learned Standing Counsel for respondent corporation submitted that the corporation is facing severe financial crunch and presently there is a ban operating on appointments. It is also stated that the petitioners are at liberty to avail the additional monetary benefits in lieu of appointment and if the petitioner makes any representation, the same will be considered in accordance with the guidelines and rules of the corporation.

Heard the learned counsel for petitioner and learned standing counsel for respondent corporation.

Though the petitioner is qualified and entitled to employment in respondent corporation under compassionate grounds, the fact remains that the there is excess staff in the respondent corporation and the corporation is facing severe financial crunch and there is no possibility of providing employment due to ban imposed on fresh appointments.

More over, the circular relied upon by the petitioner dated 5.5.2000 is said to have been superceded. Keeping in view the above, the corporation vide proceedings dated 10.2.2004, has advised the petitioner to opt for additional monetary benefits in lieu of employment.

Since the petitioner is entitled to additional monetary benefits in lieu of employment, I deem it appropriate to dispose of the writ petition with the following direction.

The petitioner is directed to make an application seeking additional monetary benefits in lieu of employment. On filing such an application, the respondents are directed to consider the same and pass appropriate orders expeditiously and release the amounts to which the petitioners are entitled to.

Accordingly, the writ petition is disposed of. No costs.

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N.V.RAMANA,J

DATE: 2.11.2006
TVK

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